

RETTENDON PARISH COUNCIL

Minutes of the meeting of the Council held on Tuesday 18th December 2018 at the Rettendon Memorial Hall, Main Road, Rettendon, at 7.30pm

Present: Cllr Mark Fleming (Chairman)
Cllr Chris Cheater
Cllr Denise Fleming
Cllr Roy Hart
Cllr Glenys Jones
Cllr Lance Millane
Cllr Ray Ride

The Clerk

There were 15 members of the public present.

146-18/19 Apologies and Reasons for Absence

Apologies were received and accepted from Councillor Chapman.

147-18/19 Declarations of Interest on Items on the Agenda

There were no declarations of interest.

148-18/19 Public Forum – strictly 5 minutes only per speaker

A resident referred to the issue of legal action with regard to trusteeship of the Bell Fields. He asked what the Council would do differently should it win the case.

The Chairman said he would provide a written reply.

A resident referred to Item 154-18/19 and said the pavements in South View Road were a danger to elderly residents there. She said medical vehicles attended frequently and the large potholes were a hazard. She said improvements to the pavements and road would be of benefit to residents.

A resident referred to Items 160 and 161 and asked if there had been a meeting between the full Council meetings to discuss this. He asked who had decided to carry this matter on and whether the correspondence had been circulated.

The Clerk said the correspondence had been circulated to Councillors.

The resident asked if it was the conclusion of the Charity Commission that legal action was not worthwhile.

Signed _____
Councillor M. Fleming, Chairman

The Chairman said the agenda had been put together by the Clerk and that all information would be shared with residents when it was in the best interests of the Council and residents.

The Chairman said he would write to concerned residents to clarify the position.

A resident asked to see the minutes from November 2016 onwards. The Clerk said she would bring these to the next meeting.

Cllr Hart said discussion about legal proceedings should not take place behind closed doors.

The Chairman said the Clerk felt it was best to discuss this with the Press and public excluded.

A resident asked why the Council had asked Tees for advice having previously consulted Birkett Long in this issue.

The Chairman said the Council had not been happy with the way that Birkett Long had dealt with the matter.

Cllr Hart asked the Chairman to admit that he had been the instigator of the complaint made against him.

The Chairman said questions regarding the complaint should be directed to the Monitoring Officer.

Cllr Hart said he would give the Chairman £100 if he would admit that he had been the instigator of the complaint.

The Chairman reiterated that Cllr Hart should speak to the Monitoring Officer regarding the complaint.

149-18/19 To agree the minutes of the meeting held on Tuesday 27th November 2018.

This Item was deferred until January.

150-18/19 To receive the Essex County Councillor and Ward Councillors' reports.

There was no report.

151-18/19 To receive the Clerk's report

The Clerk said she had attended EALC's Elections Course in Great Dunmow which had been very interesting and useful.

152-18/19 Finance

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

It was resolved to authorise invoices for payment and copies of bank statements and details of expenditure to date were received.

Payee	Reason for Payment	Amount
Mrs K Kane	November salary/expenses	£709.78
Tees Law	Legal Costs	£936.00
Fast Signs	Sonters Down sign	£131.62
HMRC	PAYE Q3	£270.48
	Total	£2,047.88

153-18/19 To agree the response to the following planning applications (all applications are available to view at www.chelmsford.gov.uk)

18/01858/FUL - Hobbits Hole South Hanningfield Road Rettendon Chelmsford CM3 8HD - Proposed two storey rear extension, formation of new rear balcony with roof over. - **Support**

18/01877/FUL - Land Rear Of Southview Woodham Road Rettendon Wickford Essex – Retrospective planning application for construction of outbuilding. - **Support**

18/01848/FUL - 56 Brock Hill Runwell Wickford SS11 7NR - Conversion of existing outbuilding to create annexe and two additional parking spaces, including single storey side and rear extensions. – **No comment as outside parish boundary**

The responses above were unanimously agreed.

154-18/19 To discuss the condition of the surface of the road and pavements in South View Road and to agree any action necessary to progress this matter.

The Chairman said that this should be taken on as a project with local support. He said costings should be sought and then brought to the Parish Council. He said this would need a Councillor who would work with residents. He said this Council has not stopped anyone from spending money but the procedures should be clarified.

Cllr Ride said with the support of the Parish Council he and Cllr Millane would seek a meeting with the Highways Liaison Officer from Essex County Council. He said if the pavement was dangerous it could be regarded as a priority scheme.

The Chairman thanked Cllr Ride for his suggestion.

Signed _____
Councillor M. Fleming, Chairman

155-18/19 Highways and Footpaths – to note Essex Highways Notices and receive reports from Councillors.

Cllr Jones said issues in Old Bell Lane were still awaiting inspection.

Cllr Hart said one of the new gateways appeared to be leaning and had been installed poorly.

Cllr Cheater referred to information he had provided at a previous meeting regarding procedures for highways work and confirmed the name of his contact. He said the lights on the new gateways were not working.

The Chairman said the quote for the replacement gateways had been obtained and voted on according to correct procedures as advised by the Clerk. He said any concerns regarding dishonesty should be referred to the Monitoring Officer. He said if anything had not been done according to the specification the Council would work to resolve this.

156-18/19 Street Lighting

The Clerk said all lights off in East Hanningfield Road had been reported to Essex County Council, and the one in the car park next to the Memorial Hall had been reported to the Parish Council's contractor.

Cllr Hart said the light by the church in Battlesbridge was only working 70% of the time.

157-18/19 Reports from Councillors on Council activities undertaken since the meeting held on 27th November 2018.

Cllr Jones circulated the proposed sign for the Sonters Down play area. The Clerk said she would confirm with the company.

158-18/19 To agree to change the date of the next Parish Council Meeting to Tuesday 22nd January 2019, 7.30pm at the Rettendon Memorial Hall, Main Road, Rettendon. CM3 8DP

The date of the next Parish Council Meeting was agreed as Tuesday 22nd January 2019 subject to confirmation that the Memorial Hall was available.

159-18/19 Exclusion of the Press and Public

Having regard to the confidential nature of the business proposed to be transacted, to agree to exclude the Press and Public pursuant to Section 1 of the Public Bodies (Admission to Meetings) Act 1960.

Having regard to the confidential nature of the business proposed to be transacted, it was **agreed** to exclude the Press and Public pursuant to Section 1 of the Public Bodies (Admission to Meetings) Act 1960.

160-18/19 To discuss the correspondence received from the Charity Commission dated 5th December 2018 (circulated prior to the meeting)

The Chairman said this letter was the response to the request for permission to begin legal proceedings. He said the Charity Commission had concluded it was likely that the Parish Council as a corporate body was the sole trustee of the charities. He said the Commission had advocated open dialogue with the purported trustees and advised there was a window of 21 days to apply to the High Court to begin proceedings following their own refusal.

The Chairman said the Commission's understanding that the Council had looked into erection of a new pavilion and that the Council had passed passwords for the charities on to the purported trustees was not accurate.

He said it would be a good idea to approach the purported trustees to suggest a meeting.

161-18/19 To consider advice received from the Parish Council's solicitor following receipt of the above correspondence

The advice from Tees was discussed.

Cllr Hart asked why this matter could not be left in abeyance until after the May elections. He said wearing his trustee hat, he would not sign any non-disclosure agreement. He said if he beat the Parish Council in this matter, he would give any net proceeds back to the parish of Rettendon.

Cllr Cheater said he considered this matter had been dealt with in an underhanded manner.

162-18/19 To agree to instruct Tees to apply on behalf of the Parish Council to a judge of the High Court for leave to issue proceedings following the Charity Commission's refusal.

It was agreed to instruct Tees to apply on behalf of the Parish Council to a judge of the High Court for leave to issue proceedings following the Charity Commission's refusal.

Cllr Hart said he would like it minuted that he had voted against this proposal to save extortionate costs being borne by the residents of Rettendon.

163-18/19 To agree the content of a letter to be sent by Tees on behalf of the Parish Council to those currently listed as trustees of the Bell Fields Charities on the Charity Commission's website.

It was proposed to amend the proposal as follows:

To agree the content of a letter to be sent by the Clerk on behalf of the Parish Council to those currently listed as trustees of the Bell Fields Charities on the Charity Commission's website.

It was unanimously agreed to amend the proposal as above.

The content of the letter was agreed and the Clerk said she would send this to the purported trustees.

The meeting closed at 8.45pm.

DRAFT

Signed _____
Councillor M. Fleming, Chairman