

RETTENDON PARISH COUNCIL

Minutes of the meeting of the Council held remotely on Tuesday 23rd February 2021.

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 eight members of the public in attendance.

Chelmsford City Councillor Paul Clark sent his apologies.

167-20/21 To Receive Apologies and to approve Reasons for Absence

There were no apologies to receive.

168-20/21 Declarations of Interest on Items on the Agenda

Cllr Hart declared a non-pecuniary interest in anything to do with the Bell Fields.

Cllr Wright declared an interest in anything to do with the Rettendon & Battlesbridge Newsletter.

169-20/21 Public Forum – strictly 5 minutes only per speaker

There were no comments.

170-20/21 To agree the minutes of the meeting held on Tuesday 19th January 2021 as a true record for signature by the Chairman at a later date

The minutes of the meeting held on Tuesday 19th January 2021 were **agreed** as a true record for signature by the Chairman at a later date.

171-20/21 To receive the Essex County Councillor and Ward Councillors' reports.

The following report was **received** from Ward Councillor Paul Clark.

"I can report that recent flooding, particularly at the junction of Farm Crescent and Woodham Road, has been brought to the attention of Essex Highways, who are planning to investigate the condition of the surface drains at this junction. They were completely overwhelmed from the rainfall on the

Signed _____
Councillor M. Fleming, Chairman

14th January 2021. If you could let members know the incident number is **2703304**, logged with the team at Essex Highways.”

172-20/21 To receive reports from the following:

a) Village Hall Committee representative

Cllr Cottee said a telephone meeting had been held although she had not attended. She said there was no change to previous reports except that the pre-school continued to be open. She said the meeting had been held prior to the most recent Government announcement on the proposed end to restrictions and so no further developments were known.

b) Parish Survey Working Group

Cllr Cottee said she would report under Item 180-20/21

c) Bus Shelter Working Group

There was no report to receive.

d) S-Type Security Working Group

Cllr Phillips said reports of patrols were still being received. He said a way to match a map to a particular date was being investigated.

e) Sonters Down Play Area Working Group

There was no report to receive.

173-20/21 To receive a report from the Bell Fields trustees

A report was received from the Bell Fields trustees and is attached as Appendix 1 to these minutes.

174-20/21 Finance

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

It was agreed to authorise the following invoices for payment:

Mrs K Kane	Salary – February	£730.16
Mrs K Kane	Mileage – February	£31.50
EALC	Training	£33.60
S-Type Security	Security patrols	£455.00
Information Commissioner’s Office	Registration fee	£40.00
Rettendon & Battlesbridge Newsletter	February issue	£25.00

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

Signed _____
Councillor M. Fleming, Chairman

An invoice from Stanley Tee LLP had been circulated and a decision on payment of that invoice was deferred so that further information could be sought.

175-20/21 To consider and possibly agree to accept the renewal quotation for the Parish Council's insurance noting that this is under a Long Term Agreement until 31st March 2022.

It was **agreed** to accept the renewal quotation for the Parish Council's insurance noting that this is under a Long Term Agreement until 31st march 2021.

It was noted that the Sums Insured should be updated following recent work on the Asset Register for review by Council at the March meeting.

It was noted that the Council would look into cyber security insurance and this would be considered at a future meeting.

176-20/21 To agree the response to planning applications notified to the Parish Council as statutory consultee

21/00137/FUL - Mill Hill Farm Chalk Street Rettendon Common Chelmsford - Retention of the existing stable block for domestic use.

It was **agreed** that the Council had no comment to make on this application.

177-20/21 To consider and possibly to agree to accept one of the quotations circulated prior to the meeting for re-designing the Parish Council website

It was **agreed** to accept the quotation received from Sue Lees Consultancy for re-designing the Parish Council website, subject to the Council being satisfied with the terms of the contract once supplied.

178-20/21 To consider and possibly agree to the purchase of asset tags for the Council's current assets (details circulated prior to the meeting)

This Item was deferred.

179-20/21 To discuss arrangements for handling the election of trustees to the Bell Fields charities due to take place in July 2021

Cllr Dale Evans said this would need to be arranged in advance of July 2021.

Cllr Ride said that a revised governing document would be shared with the Parish Council within the next few weeks and this would include a reference to the number of trustees felt appropriate. He said this would inform the decision about arrangements for July 2021.

180-20/21 To consider and possibly approve the Village Survey as circulated prior to the meeting

Signed _____
Councillor M. Fleming, Chairman

The Village Survey was **approved** as circulated prior to the meeting.

It was **agreed unanimously** to suspend Standing Order 3(x) for the duration of this meeting.

181-20/21 If Item 179-20/21 is approved, to consider and possibly agree to the following costs for the Village Survey:

- i. Printing of 1250 copies £189.75
- ii. Formatting by printer £30.00
- iii. Donation to Rettendon & Battlesbridge Newsletter £100.00 (for volunteer distribution)
- iv. Poll Boxes £25
- v. Contingency £30

Having given notice in writing prior to the meeting, Cllr Cottee proposed an amendment to the motion as follows:

If Item 179-20/21 is approved, to consider and possibly agree to the following costs for the Village Survey:

- i. Printing of 1250 copies £189.75
- ii. Payment for distribution to Rettendon & Battlesbridge Newsletter £100.00
- iii. Poll Boxes £25
- iv. Contingency £30

Costs for the Village Survey were **agreed** as listed in the amended motion.

182-20/21 Health & Well-Being Working Group

- a) To consider and possibly agree to form a Health and Well-Being Working Group
- b) If Item 164-20/21 a) above is agreed, to appoint members of the Health & Well-Being Working Group

This Item was deferred.

183-20/21 Reports from Councillors on Council activities since the last meeting

Cllr Cottee referred to Chelmsford City Council's Love Your Parish initiative. She said she had asked for the path between the Rettendon Turnpike and the Wheatsheaf to be cleaned.

Cllr Hart said he had inspected the streetlights in Battlesbridge and four needed work. He said he would clear the graffiti in the bus stop by the turnpike.

Signed _____
Councillor M. Fleming, Chairman

Cllr Phillips said he was still doing quizzes for the entertainment of Hayes residents.

He said he had been working on the Asset Register and providing What Three Words references for each of the assets. He said the dog bins were still to be done.

Cllr Cottee referred to the lamppost in Meadow Road that had been cut and taped off and asked for this to be investigated.

Cllr D Fleming said she had had correspondence with ECC Councillor Kevin Bentley regarding the state of the footpath in Woodham Road. She said following correspondence with ECC Councillor Ian Grundy the speed limit along Main Road from the turnpike would not be reduced to 40mph but she said the Local Highways Panel would consider gateways.

Cllr Dale Evans said she had reported various issues to Essex Highways and that a trench outside Rettendon House had been reported by police and filled as an emergency repair.

184-20/21 Date of the next Parish Council Meeting: To be confirmed.

The date of the next meeting was **confirmed** as 30th March 2021, to be held online at 7.30pm.

The meeting closed at 10.43pm.

Signed _____
Councillor M. Fleming, Chairman

Appendix 1

Bell Fields Trustees report to RPC 23 Feb 2021

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 we gave on 15th December the Trustees have progressed the following:

2. Football Pitch

- a. A specification for the Pitch remedial work has been prepared and a quotation secured.
- b. Constructive conversation with SWUFC held / intent to continue to use recorded.
- c. Grant application to RPC now being compiled to cover costs of pitch remedial work
- d. Other sources of funding to mitigate total costs are being explored.
- e. Re-alignment of the pitch and use of mobile goal posts have been proposed by SWF FC to protect / improve the current goal mouth areas that require major rectification.

3. Barclays Bank

- a. Progress in updating the account to include additional signatories is contingent on cooperation from RH who is currently the only trustee as recognized by Barclays as a signatory. Action by RH has been delayed.
- b. A consequence we continue to have no access to the charities' bank account, and have little option but to approach RPC for grant funding for the essential remedial work to the pitch as outlined.

4. Demand by RH for Refund of Donations

- a. Roy Hart has advised trustees that some or all of those residents who participated in a fund raising event for the benefit of the UBF charity have asked for their donation to be refunded. The Charity Commission has guidelines regarding the refund of donations and they are not at the sole discretion of the trustees. We have suggested that Roy Hart contact the Charity Commission and secure their written approval for the trustees to effect this refund. This seems a reasonable ask given that he has knowledge of the details of the event, the sum raised, the purpose of the donation, and who gave what.

5. Governing document update

- a. Trustees have drafted an amendment to the existing governing document for each charity. The 2 docs will be shared with RPC shortly in the interests of transparency, once all trustees have reviewed it. The intent is absolutely to preserve the purpose of each charity and solely to add administrative guidelines such as arrangements for trustee meetings for example.

6. Charity documents

Signed _____
Councillor M. Fleming, Chairman

a. In our previous report to RPC , I advised that the trustees were seeking cooperation from the previously appointed trustees to ensure the integrity of charity records and determine whether any amendments had been effected to the original governing document. With disappointment I must advise Councillors that no such cooperation has been forthcoming.

b. However, the trustees have been able to locate 5 additional documents that we believe ought to be of interest to Councillors. I shall provide a copy of each to the council's clerk for distribution, but in the meantime provide the following summary.

i. The first document is a form ST3 provided by HM Land Registry. The form is titled "Statement of truth in support of an application for registration of land based upon lost or destroyed title deeds." The form was signed by Ron Fallows on September 9, 2010 and the land in question was the Upper and Lower Bell Fields. On the form, Q6 asks who had possession of the deeds, which has been answered "Rettendon Parish Council" Q7 asks who the person in possession had custody of the deeds, which has been answered "Legal owner" (For reference: Minutes of the RPC meetings either side of this date (23 Aug and 25 Oct 2010) record discussion of registration of the Bell Fields in the presence of Councillors including Fallows, Hart, Prebble and others. Minutes 84 and 104 respectively.) This document would appear to establish that, as of Sept 2010, RPC believed itself to be the legal owner of the Bell Fields. We note too that this document appears to be missing from RPC records. (Reference: A letter dated 29 June 2011 from RPC Clerk, Barry Summerfield, to Giles Wilson solicitors confirms completion of the registration and payment of Giles Wilson's fees. This letter is in PC records.)

ii. Also provided by HM LR is a letter from the Charity Commission to Ron Fallows dated 16 April 1997 that was used to support the statement of truth in Sep 2010. The letter includes the relevant extracts from the 1861 Inclosure Award and also states:

- that the Lower Bell Field should be used as allotments or let and the income applied for the benefit of the labouring poor, and

- that the Upper Bell Field should not be let out but used for the purposes of a recreation ground

- "according to our records the Parish Council is the charity trustee for both charities" and

- "the land belonging to each charity is vested in the Parish Council"

This document also appears to be missing from RPC records.

iii. The third document is a declaration of trust, signed by the defendants in June 2017 and provided by the Charity Commission itself and appears to be of some significance. Key points include:

- Adding "any other charitable purposes" to the UBF charity objects

- Adding "to borrow money and to charge the whole or any part of the property belonging to the charity as security for repayment of the money borrowed"

Signed _____
Councillor M. Fleming, Chairman

- Adding “to acquire, merge with or enter into any partnership or joint venture arrangement with any other charity formed for any of the objects”
- Adding “nothing in this trust deed restricts or excludes the exercise by the trustees of the powers given by the Trustee Act 2000 as regards investment, the acquisition or disposal of land and the employment of agents, nominees and custodians.”
- Adding “A charity trustee or connected person may receive rent for premises let by the trustee or connected person to the charity.”
- Adding “A charity trustee or connected person may receive interest on money lent to the charity at a reasonable and proper rate”
- Adding “The trustees may dissolve the charity if they decide that it is necessary or desirable to do so”

iv. Document 4 seeks to make these same changes to the Lower Bell Field charity.

v. Documents 3 and 4 having, presumably, been rejected by the Charity Commission, document 5 is a resolution by the defendants to enable themselves to stand for-re-election and that they be able to appoint new trustees. It is dated 20 April 2018.

c. More help and cooperation from the Charity Commission would have helped us reach this point sooner, but it does seem that the original governing document for each charity, ie the 1861 Inclosure Award, continues to prevail and without any amendments.

Members of the Parish will not fail to acknowledge if those amendments as proposed by the defendants to the Governing document of the Bell Fields been adopted the fundamental characteristics of the charities would have changed and not for the better in our opinion.

That concludes my statement to the Parish Council this evening.

Ray Ride

Chair Trustees

23rd February 2021

Signed _____
Councillor M. Fleming, Chairman